

REMARKS

Reconsideration of the application is respectfully requested. Claims 1-8, 10-19, and 21-22 are pending. Claims 10-13 have been amended. No claims have been canceled or added.

Claims 1-5, 7-8, 14-19, and 21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,406,588 to Birchler et al. ("Birchler") in view of U.S. Patent No. 6,347,217 to Bengtsson ("Bengtsson").

In response to the rejection of claims 1-5, 7-8, 14-19, and 21 as unpatentable over Birchler in view of Bengtsson, Applicant respectfully submits that Bengtsson is not properly-citable against this application. In particular, Applicant respectfully submits that Bengtsson is not properly-citable against this application because Bengtsson and the present application were, at the time the claimed invention were made, owned by or subject to an obligation of assignment to Telefonaktiebolaget LM Ericsson. Therefore, Applicant respectfully submits that Bengtsson cannot be used to preclude patentability under 35 U.S.C. 103. Withdrawal of the rejection of claims 1-5, 7-8, 14-19, and 21 as unpatentable over Birchler in view of Bengtsson is respectfully requested.

Claims 6, 10-13, 18 and 22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Birchler in view of Rude in further view of U.S. Patent No. 5, 715,240 to Borrás et al. ("Borrás"). When Applicant's representative noted the citation on page 8 of the Office Action to Rude, Applicant's representative contacted Examiner Rampuria regarding what appeared to be a typographical error. Applicant's representative appreciates the courtesies extended by Examiner Rampuria during the telephone conversation of December 18, 2003, in which conversation Examiner Rampuria informed Applicant's representative that the citation to Rude was in error and was instead a citation to Bengtsson.

In response to the rejections of claims 6, 10-13, 18 and 22 as being unpatentable over Birchler in view of Bengtsson and further in view of Borrás, Applicant respectfully submits that Borrás fails to cure the deficiencies of the cited combination of Birchler and Bengtsson noted above with respect to the rejection of claims 1-5, 7-8, 14-19, and 21. Withdrawal of the rejection of claims 6, 10-13, 18 and 22 as unpatentable over Birchler in view of Bengtsson and further in view of Borrás is respectfully requested.

Claims 10-13 have been amended to make each of claims 10-13 dependent from claim 1 rather than claim 9. Claim 9 was cancelled in a previous amendment; therefore, Applicant is amending claims 10-13 so that they are no longer dependent from a cancelled claim.

In view of the above, each of the presently-pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Dated: Dec. 19, 2003

Respectfully submitted,

By 

Ross T. Robinson

Registration No.: 47,031

JENKENS & GILCHRIST, A PROFESSIONAL
CORPORATION

1445 Ross Avenue, Suite 3200

Dallas, Texas 75202

(214) 855-4500

(214) 855-4300 (Fax)